



PRESENT:

Dr. Edgar Wallin, Chairman
Mr. Gib Sloan, Vice-Chairman
Ms. Gloria Freye
Mr. Michael Jackson
Mr. Peppy Jones
Mr. Kirk Turner, Secretary to the Commission,
Planning Director

ALSO PRESENT:

Mr. Michael Tompkins, Assistant Director of Planning
Planning Department
Mr. Rob Robinson, Senior Assistant County Attorney,
County Attorney's Office
Ms. Tara McGee, Senior Assistant County Attorney,
County Attorney's Office
Mr. Steve Haasch, Planning Manager,
Planning Department
Ms. Bonnie Perdue, Planning Operations Administrator
Planning Department
Ms. Jane Peterson, Planning Manager,
Planning Department
Ms. Darla Orr, Planning and Special Projects Manager,
Planning Department
Mr. Ryan Ramsey, Planning Special Projects Manager,
Planning Department
Ms. Teresa C. Davis, Planning and Special Projects Coordinator,
Planning Department
Mr. Jesse Smith, Director,
Transportation Department
Mr. Steven Adams, Senior Civil Engineer
Transportation Department
Mr. Mike Nannery, Assistant Director
Utilities
Mr. Scott Smedley, Director,
Environmental Engineering Department
Mr. Scott Dunn, Assistant Director
Environmental Engineering Department

Mr. Dave Wolverton, Microcomputer Analyst
Information Systems Technology Department
Deputy Fire Marshall Anthony Batten, Fire and Life Safety,
Fire and EMS Department
Mr. Ray Cash, Zoning Administrator
Planning Department
Dr. David Pritchard, Special Projects
County Administration

ASSEMBLY AND WORK SESSION.

Commissioners Wallin, Sloan, Freye, Jackson and Jones and staff assembled at 2:00 p.m. in the Public Meeting Room, Chesterfield County Administration Building, 10001 Iron Bridge Road Chesterfield, VA, for a work session.

I. CALL TO ORDER.

Dr. Wallin called the meeting to order.

II. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS, CHANGES IN THE ORDER OF PRESENTATION.

There were no changes in the order of presentation.

III. REVIEW UPCOMING AGENDAS.

Ms. Peterson reviewed the upcoming agendas.

IV. REVIEW DAY'S AGENDA.

Ms. Peterson reviewed the eleven (11) cases to be heard today. The Dominion Virginia Power case is on the consent agenda but Mr. Turner suggested it be moved to the end of the cases on the discussion agenda due to the potential of large numbers of citizens wishing to speak to the case. Dr. Wallin concurred to move the Dominion case to the end of the discussion agenda.

Mr. Turner stated the Commission is due to hear the Code Amendment Relative to Deferral from Public Hearing/Meeting, Final Plat Print Submittal and Definitions of Major and Minor Changes today but recommended waiting until next month to make a decision. Dr. Wallin concurred with Mr. Turner.

V. REVIEW WORK PROGRAM.

There were no changes to the work program.

VI. REVIEW PLANNING COMMISSION FOLLOW-UP ITEMS.

There were no changes to the follow-up items list.

VII. REVIEW OF COMPLETE ROADS POLICY (16PJ0112).

Dr. David Pritchard stated in December 2015, the Board voted to remand this project to the Commission for further review and consideration within 90 days. Dr. Pritchard explained his recommended approach to this project would be to look at how this policy would interact with other county policies such as the Sidewalk Policy. He recommended that the Commission ask for more time from the Board.

In response to a question from Ms. Freye relative to how much extra time should the Commission ask for, Dr. Pritchard stated he would prefer an open-ended timeframe.

Dr. Wallin stated the Commission could have a report within six (6) months.

On motion of Dr. Wallin, seconded by Ms. Freye, the Commission recommended an agenda item be submitted to the Board requesting removal of the 90 day time limit and to have an update ready for the Board by the September 2016 BOS meeting.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

VIII. PRESENTATION REGARDING INFORMATION ABOUT THE ZONING ORDINANCE.

Mr. Ray Cash provided an informational presentation on the use, layout and design of the Zoning Ordinance, Chapter 19.1.

For subdivision final plats ready for recordation, two prints are required to be submitted by the applicant. Staff proposes with this amendment that a transparency print no longer be required as one of the two final plat prints. Both final prints can be paper prints.

In response to a question from Ms. Freye, relative to what sort of appeal process the applicant can pursue should they not like the decision. Mr. Cash responded if it is a Site Plan decision, the Commission can hear the applicant's concerns. If the applicant goes the administrative route, the Director of Planning makes the decision. The appeal process is in place should the case have to go back to the Planning Commission. If the applicant does not like the outcome, they can go to the Circuit Court to dispute it.

In response to a question from Mr. Jackson, Mr. Cash described how residential setbacks might be amended. Mr. Cash stated there would have to be a hardship. The conditional use process is actually written by the property owner as they are given the right to do that.

IX. DISCUSSION OF QUALITY STANDARDS.

Mr. Turner stated Virginia is a Dillon Rule State which limits our ability to adopt legislation for quality requirements. There have been many instances where citizens want to know what buildings will look like with new developments. These discussions were site specific and there was no clear

level of understanding about what the expectation is within the county. He would like to talk about what it is we are looking for in new residential communities. Some of the topics that he would like to discuss are project process, existing trends and conditions, quality standards evolution and legal implications.

Mr. Steve Haasch presented information relative to demographic and housing trends in the county. Mr. Haasch discussed with the Commission how this information may affect the demands for housing in the near future.

Ms. Jane Peterson presented the evolution of Quality Standards through Zoning Conditions. As part of a rezoning, referring to Euclidean Zoning, the only condition the Board can impose is a conditional use. Conditional Use Planned Development (CUPD) refers to use and/or bulk exceptions which are lot size or width, use exceptions limited to 30% of gross acreage; 100% of use not addressed in the Ordinance; bulk exceptions are not limited; and a reduction in lot size below what the zoning district requires that needs to be usable open space. CUPD has been used to accommodate unique developments. This does allow for flexibility, Brandermill and Woodlake are good examples of the CUPD process.

In 1997 the Zoning Ordinance was amended with a provision where R-7 or R-9 sized lots would not be allowed and a minimum lot size of 7000 to 9000 square feet was required. With smaller lot sizes there is either no or minimal open space for community recreation, and roadside ditches were used verses curb and gutter. The development community was asked to use a 12,000 square foot lot size. Through the CUPD process, consideration was given to lot sizes smaller than 12,000 square feet but design standards were taken into consideration with a goal of reducing visual impacts of density and to enhance the development curb appeal. Duplex and quad-plex designs and smaller scale apartments and condos were part of the CUPD process. CUPD standards include sidewalks, street trees, hardscaped driveways, garage orientation, focal points, foundation treatment, landscaped foundations and usable open space.

Mr. Ray Cash discussed the provisions within the State Code that limit county ability to regulate building materials and construction. He outlined certain provisions within the current comprehensive plan, zoning and subdivision ordinances that relate to building and development design.

Mr. Turner stated staff was not looking for a vote today, but have outlined the trends and what our limitations are. Today staff is just looking for feedback.

Mr. Jones stated he liked the presentation on Quality Standards and thought it should be pursued.

Mr. Sloan stated anything we can do as an organization to provide clarity we need to do.

Mr. Jackson asked if community needs like sidewalks would be addressed with a CUPD and he needs more clarity about setback use. Mr. Turner replied we have authority to adopt bulk regulations which deal with setbacks, heights and lot sizes and to the design of the community itself, but it does not regulate the size or use of the structure or what it looks like. Perhaps this will develop new categories and these will be needed to address a new type of housing which is what the market may want in the future.

Mr. Sloan stated he would be very interested in past trends of real estate from the late 50's to the 70's from the eastern part of the county and what can we learn from these trends for the future. The hope is that we do not make the same mistakes again with regard to planning.

Dr. Wallin inquired if we have any kind of a report that has a direct relationship to this to which Mr. Turner replied staff can bring a report back to the Commission at our next meeting.

Dr. Wallin supports this effort and hopes we can embrace the thought that things have changed. Hopefully we can take a long range perspective as to what works, what has longevity and what doesn't. Maybe we can address issues about what we got wrong at the next review of the Comp Plan. He hopes we can be creative and other Commission members feel this way too.

Mr. Jones stated we need to plan for the affordable homes that will be required for the employees at the paper plant coming soon.

Mr. Jackson stated our educational system also brings many to our area. In a response to a question from Mr. Jackson relative to public notice requirements, staff recommendations and the public hearing process and the timing of proffered conditions, Ms. Peterson stated in regards to a public notice, we advertise three (3) ways. We post the property, we advertise the public notice in the newspaper twice before each public hearing and adjacent landowners are sent the public notice via mail. In terms of the process, we produce a staff report which is our recommendation, the Commission gets a copy, applicants get a copy and staff gets copies and we post the staff reports on our web page. This is public information. With respect to submittal of proffers, they can be submitted at any time during the process, even at the public hearing. The Board is different than the Commission with regard to the submittal of proffers.

Mr. Turner stated we have goals and staff reports should be posted two (2) weeks before the public hearing. With controversial cases it takes a little longer to get the staff reports complete and posted.

Dr. Wallin stated it does happen sometimes that proffers are submitted at the public hearing. A complicated case can go to the last minute when the Planning Commissioner is negotiating one (1) of these complicated cases. Sometimes it takes to the last minute to get the best outcome for a case.

X. RECESS.

The Commission recessed at 4:03 until 5:00 for dinner.

5:00 P.M. DINNER - EXECUTIVE MEETING ROOM.

During dinner, there was general discussion on topics related to the Planning Commission.

6:00 P.M. PUBLIC HEARING.

I. CALL TO ORDER.

Dr. Wallin called the session to order.

II. INVOCATION.

Mr. Sloan presented the invocation.

III. PLEDGE OF ALLEGIANCE TO THE FLAG OF UNITED STATES OF AMERICA.

The Commission led in the Pledge of Allegiance to the Flag.

IV. REVIEW UPCOMING AGENDAS.

Mr. Kirk Turner apprised the Commission of the caseload agendas for March (17), April (16), May (0) and June (0).

V. APPROVAL OF THE PLANNING COMMISSION MINUTES.

On motion of Mr. Sloan, seconded by Mr. Jones, the Commission resolved to vote for all three (3) sets of minutes as a block.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- February 17, 2015
- May 19, 2015
- December 15, 2015

On motion of Mr. Sloan, seconded by Mr. Jones, the Commission resolved to approve the February 17, 2015, May 19, 2015 and December 15, 2015 Planning Commission minutes.

AYES: Wallin, Sloan, Freye, Jackson and Jones.

VI. REQUESTS TO POSTPONE ACTION, EMERGENCY ADDITIONS OR CHANGES IN THE ORDER OF PRESENTATION.

There were no requests to postpone action, emergency additions or changes in the order of presentation.

VII. REVIEW MEETING PROCEDURES.

Mr. Kirk Turner reviewed the meeting procedures.

VIII. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

There were no citizens' comments on unscheduled matters.

IX. PUBLIC HEARING.

- DEFERRAL REQUEST BY INDIVIDUAL PLANNING COMMISSIONER – SUBSTANTIAL ACCORD.

- A. **15PD0192***: (AMENDED) In Clover Hill Magisterial District, **Chesterfield County Parks and Recreation** requests substantial accord determination to permit special purpose park expansion and amendment of zoning district map in Residential (R-7 and R-9) Districts on 56.1 acres lying off the north lines of Gravier and Clintwood Roads and the eastern terminus of Puckett Place. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax IDs 743-689-6438 and 745-688-Part of 2330.

Mr. Stuart Connock, the applicant's representative accepted deferral of Case 15PD0192 by the Clover Hill Magisterial Commissioner to the May 17, 2016 Planning Commission public hearing.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to the request.

There being no one to speak, Dr. Wallin closed the public hearing.

The following motion was made at Ms. Freye's request. She expressed appreciation that Mr. Connock agreed to have another community meeting to clarify any additional questions neighbors may have about the concept of the plan.

On motion of Ms. Freye, seconded by Mr. Jackson, the Commission resolved to defer Case 15PD0192 to the May 17, 2016 public hearing.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- CONSENT ITEMS – REZONING AND CONDITIONAL USE.

- D. **16PD0175**: In Midlothian Magisterial District, **Cellco Partnership d/b/a/ Verizon Wireless** requests substantial accord determination to permit a communications tower and amendment of zoning district map in a Corporate Office (O-2) District on 6.7 acres known as 1025 Boulders Parkway. Density will be controlled by zoning conditions or ordinance standards. The Comprehensive Plan suggests the property is appropriate for Office Park – Office, Hotel uses. Tax ID 764-711-4288.

Mr. Jeff Geiger, the applicant's representative, agreed with staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16PD0175 subject to the following conditions:

CONDITIONS

1. The design, color and lighting system for the tower (building-mounted panel antennas) shall be as follows:
 - a. The tower (building-mounted panel antennas) shall consist of flush-mounted panel antennas mounted to the northwest, southwest and northeast corners of the building. The panel antennas shall not extend above the building parapet, generally as shown in Attachments 2 through 4. (P)
 - b. All visible components of the building-mounted panel antennas shall have a durable finish color that matches the building upon which it is located, as approved by the Planning Department. The finish color shall be maintained to address fading, flaking, or other finish issues, as determined by the Planning Department, to include matching any repainting of the building upon which it is mounted.
 - c. The tower (building-mounted panel antennas) shall not be lighted. (P)
2. There shall be no signs permitted to identify this use. (P)
3. At such time that the tower (building-mounted panel antennas) ceases to be used for communications purposes for a period exceeding twelve (12) consecutive months, the owner/developer shall dismantle and remove the tower and all associated equipment from the property. (P)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- E. **16SN0570:** In Midlothian Magisterial District, **Douglas R. Sowers** requests rezoning from Residential (R-12) to Agricultural (A) and amendment of zoning district map on 89.2 acres fronting 1,790 feet on the west line of County Line Road, 660 feet north of Mount Hermon Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Conservation Recreation use. Tax ID 702-700-5944.

Ms. Valerie Sowers, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0570 an acceptance of the proffered condition:

PROFFERED CONDITION

Prior to any subdivision plat approval, an approval letter from the conservation easement holder ("Holder") shall be submitted to the Planning Department to verify that the Holder acknowledges and approves of any subsequent subdivision and additional building area(s) created on any new parcel(s). (P)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- F. **16SN0575:** In Bermuda Magisterial District, **Martha 1985 Chester, LLC** requests conditional use to permit repair services and amendment of zoning district map in a General Industrial (I-2) District on 14.7 acres located 750 feet off the south line of Ware Bottom Spring Road, 620 feet southwest of West Hundred Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax ID 806-651-Part of 6136.

Mr. Mike Rothermel, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0575.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- G. **16SN0576:** In Midlothian Magisterial District, **Old Buckingham Associates, LLC** requests amendment of conditional use planned development (Case 04SN0188) relative to uses (dance studio/school, music school and health club) and amendment of zoning district map in a Corporate Office (O-2) District on 0.5 acres known as 1264 Alverser Plaza. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Community Business use. Tax ID 739-710-2133.

Mr. Read Goode Jr., the applicant's representative, agreed with staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0576 subject to the condition:

CONDITION

In addition to the uses permitted by Proffered Condition 1 of Case 04SN0188, the following uses shall also be permitted:

- a. Dance school or studio.
- b. Music school.
- c. Health club. (P)

(Staff Note: Except as amended herein, all previous conditions of zoning approved in Cases 00SN0188 and 04SN0188 shall remain in full force and effect.)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- H. **16SN0579:** In Dale Magisterial District, **Lance Randal Campbell and Shannon Evelyn Campbell** request conditional use to permit a business (commercial kennel) incidental to a dwelling and amendment of zoning district map in an Agricultural (A) District on 0.9 acres known as 8400 and 8410 Belmont Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is within the Airport Operational Area and is appropriate for Industrial use. Tax IDs 761-676-7484 and 7596.

Mr. Lance Campbell, the applicant, agreed with staff's recommendation.

Dr. Wallin opened the floor for public comment.

Mr. Latane Jenkins spoke against the kennel stating the dogs will create noise that will not allow his daughter to sleep as she works at night. He is also concerned about additional traffic and the potential impact on the property value.

Mr. Sloan asked if Mr. Jenkins was an adjacent property owner and he replied that his daughter is the adjacent property owner. He added that the proposed kennel is 117 feet from her house.

Mr. Lance Campbell rebutted that they will only board a maximum of six (6) dogs by appointment only, they will minimize barking and the setbacks to the property are on a hillside.

Mr. Jackson asked Mr. Campbell if he was familiar with the ten (10) conditions. Mr. Campbell stated the dog runs will be enclosed and the time period is for three (3) years. The kennel setbacks from the property are on a hillside near a small ravine.

Mr. Jackson asked Ms. Orr to present an overview of the case.

Ms. Orr stated the applicant is on 0.9 acres and there are ten (10) conditions recommended for this case. The conditions would be for the applicant only, there is a three (3) year time limit and is not transferrable with the land. Surrounding properties are zoned Agricultural, use is a maximum of six (6) dogs allowed, two (2) employees allowed to assist, and the area shall be kept free of waste. Only one (1) sign allowed which is one (1) square foot and the kennel building can only be a maximum of 360 square feet. The applicants are proffering a thirty (30) foot setback and to plant buffers. Dogs are not allowed outside between 9 p.m. and 6 a.m. Training is done by appointment

only between the hours of 9 a.m. and 4 p.m., the applicants must provide sufficient on-site parking and there will be no retail sales.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Dr. Wallin closed the public hearing.

Mr. Jackson stated this property is behind the county airport, is zoned agricultural and this conditional use permit is incidental to a dwelling and they will live on the property. Current zoning permits an unlimited number of dogs for personal kenneling, but this is a commercial use so it will be limited to a maximum of six (6) dogs kenneled.

On motion of Mr. Jackson, seconded by Mr. Sloan, the Commission resolved to recommend approval of Case 16SN0579 subject to the conditions:

CONDITIONS

1. The Conditional Use shall be granted to and for Lance Campbell and/or Shannon Campbell, exclusively, and shall not be transferable or run with the land. Such approval shall be granted for three (3) years from the date of approval. (P)
2. The Conditional Use shall be limited to the operation of a commercial kennel (including boarding, training and breeding) incidental to the dwelling for a maximum of six (6) dogs, exclusive of the owners' dogs, at any one time. (P)
3. A maximum of two (2) employees other than the applicants and family members that reside in the home shall be engaged in the operation at any one time. (P)
4. The area in which the dogs are allowed to run and areas associated with the keeping of the animals shall be cleaned and made free of waste on a regular basis so as to eliminate odors and the proliferation of insects. All solid animal waste shall be stored in plastic containers with lids. Such container(s) shall be legally disposed of offsite at least once each month. (P)
5. One (1) sign shall be permitted to identify this use. Such sign shall not exceed one (1) square foot in area with a maximum height of two (2) feet and shall not be illuminated. (P)
6. One (1) building associated with the commercial kennel shall be permitted. Such building shall not exceed a maximum of 360 square feet and shall be located generally as shown on Exhibit A, dated January 27, 2016. No other buildings nor additions or alterations shall be permitted to this building or the dwelling to accommodate this use. (P)
7. The kennel building shall be setback a minimum of thirty (30) feet from side and rear property lines. Vegetation within this setback shall be maintained and supplemented with evergreen plantings to assist in mitigating the impact of the kennel on adjacent properties. Within sixty (60) days of the approval of this request, the applicant shall submit a landscaping plan to the Planning Department for review and approval. Landscaping shall

be installed in accordance with the approved plan within sixty (60) days of the approval of such landscaping plan. (P)

8. Dogs must be kept on a leash or within the enclosed structure and/or runs at all times. Runs for dogs shall be enclosed with solid walls. No dogs shall be allowed in the outside run areas between 9:00 p.m. and 6:00 a.m. This curfew for use of the outside runs shall not prevent dogs from being walked outside as necessary during these hours. Training of dogs shall be permitted to occur by appointment each day between the hours of 9:00 a.m. and 4:00 p.m. (P)
9. Sufficient on-site parking shall be provided so as to preclude on-street parking to accommodate this use. (P)
10. No commodity shall be stored or sold on the premises except for light inventory. (P)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- I. **16SN0580:** In Midlothian Magisterial District, **Ninety One Twenty, LLC** requests conditional use to permit an electronic message center sign and amendment of zoning district map in a Community Business (C-3) District on 1.1 acres known as 9120 Midlothian Turnpike. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Corporate Office use. Tax ID 754-705-0490.

Ms. Susan Jason, the applicant's representative, agreed with staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Jones, seconded by Ms. Freye, the Commission resolved to recommend approval to Case 16SN0580 subject to the following conditions:

CONDITIONS

1. Freestanding Sign Area and Height. The total area of the freestanding sign shall not exceed 91.25 square feet. The sign height shall not exceed twenty (20) feet. (P)
2. Electronic Sign. In addition to Ordinance requirements, any computer-controlled, variable message, electronic sign shall conform to the following standards:
 - a. Copy shall be limited to a maximum of three (3) lines and shall not move but may fade;
 - b. The message or display shall be programmed to change no more than once every thirty (30) seconds;
 - c. Sequential messaging shall be prohibited;
 - d. Flashing and traveling messages shall be prohibited;
 - e. Bijou lighting and animation effects shall be prohibited;

- f. The electronic message center shall be incorporated into an architecturally designed sign structure that is compatible and complimentary to the building it serves; and
- g. Brightness shall be limited so as not to exceed 0.3 foot candles above ambient light as measured using a foot candle meter at a distance of 97 feet. The computer-controlled, variable message, electronic sign shall have a photocell that automatically adjusts the brightness according to ambient light conditions. (P)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- J. **16SN0584:** In Matoaca Magisterial District, **Von Sygnet Clarke and Robert Lee Clarke, Jr.** request amendment of conditional use planned development (Case 88SN0003) to delete a required buffer and building setback adjacent to Spring Run Road and amendment of zoning district map in a Residential (R-9) District on 0.3 acres known as 8803 Spyglass Hill Place. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential II use (2.0 to 4.0 dwellings per acre). Tax ID 727-664-6399.

Mr. and Mrs. Robert Clarke, the applicants, support staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0584 subject to the condition:

CONDITION

With the approval of this case, Condition 23 of Case 88SN0003 shall be deleted. The following condition shall apply:

1. **Fence.** A six (6) foot tall privacy fence shall be constructed along the rear property line to reduce the visibility of the pool from North Spring Run Road. (P)

(Staff Note: Except as amended herein, all previous conditions of zoning approved in Case 88SN0003 shall remain in full force and effect.)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- K. **16SN0590:** In Clover Hill Magisterial District, **Chesterfield County Planning Commission** requests amendment of zoning (Case 06SN0174) relative to cash proffers and amendment of zoning district map in a Residential (R-12) District on 0.8 acres located on the north line of Temie Lee Parkway across from Saint Elizabeth Drive. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax ID 725-672-0592.

Mr. Kirk Turner, the applicant's representative, accepted staff's recommendation.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

On motion of Dr. Wallin, seconded by Ms. Freye, the Commission resolved to recommend approval of Case 16SN0590 and acceptance of the proffered conditions:

PROFFERED CONDITIONS

With the approval of this case, Proffered Condition 2 of Case 06SN0174 shall be amended as follows:

Cash Proffer. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the service district for the property, unless state law prevents enforcement of that timing:

- A. \$18,966.00 per dwelling unit for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost Index during that time period.
- B. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.
- C. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law. (B&M)

(Staff Note: Except as amended herein, all previous conditions of zoning approved in Case 06SN0174 shall remain in full force and effect.)

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

- **REZONINGS AND CONDITIONAL USE PLANNED DEVELOPMENTS – OTHER.**

- B. **16SN0558***: (AMENDED) In Matoaca Magisterial District, **Atlantic Development and Acquisition, L.C.** requests rezoning from Agricultural (A) to Multifamily (R-MF) plus conditional use planned development to permit exceptions to ordinance requirements and amendment of zoning district map on 20 acres located in the southeast quadrant of Ashlake and Ashbrook Parkways, also fronting 60 feet on the west line of Bethia Road, 995 feet southwest of Winterpock Road. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Suburban Residential I use (maximum of 2.0 dwellings per acre). Tax IDs 720-668-8155 and 720-669-Part of 8248.

Ms. Darla Orr presented an overview and staff's recommendation for denial as the request exceeds residential density suggested as appropriate for the area by the Comprehensive Plan. The proposal fails to fully address the impact of the development on capital facilities in accordance with the Board's Cash Proffer Policy and a lack of second public road access reduces convenience and safety for residents.

Mr. Jim Theobald, the applicant's representative does not agree with staff's recommendation. The eighty-two (82) homes are age restricted and will be built as quads and residents will create less traffic as most have one (1) car. He added that the development will include units that will have different design features to offer visual variety along the street view and private court yards, a clubhouse and pool. He stated the details of the various proffered conditions and the cash proffers being offered.

Dr. Wallin opened the floor for public comment.

No one came forward to speak in favor of, or in opposition to, the request.

There being no one to speak, Dr. Wallin closed the public hearing.

Dr. Wallin stated it is important for the streets to be a part of the public roads system. The emergency access does create the second entrance and the stub road is an additional access. He added that while the emergency roads are not frequently used, they are utilized. Because of the way this particular property is situated, the applicant was sensitive to the safety issues. The quality component has unique features that are not in many other projects. We had community meetings particularly with Clover Hill Estates and the applicant did make some concessions with regards to buffers and fencing.

Mr. Jackson stated regarding cash proffers he will support staff's recommendation of denial. The cash proffers associated with this application call for a total of \$1.9M assessed impact on capital facilities. The Board capped cash proffer is \$1.5 M. The application provides for cash proffers for roads, fire, libraries and parks but proffers zero dollars for schools. To be consistent, it is his position that every parcel of land derives some of its value from the fact that we have a quality public education system and because this case does not address cash proffers for schools, he cannot support approving the case.

Dr. Wallin stated the tax dollars derived from projects like this provides resources to the schools that they otherwise would not get. He feels the more tax dollars we get, the more we can provide funding to the schools. He feels this is fair to the applicant and good for the county.

On motion of Dr. Wallin, seconded by Mr. Sloan, the Commission resolved to recommend approval of Case 16SN0558 and acceptance of the proffered conditions:

PROFFERED CONDITIONS

The property owners and applicant in this rezoning case, pursuant to Section 15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for themselves and their successors or assigns, proffer that the property under consideration (the "Property") will be developed according to the following proffers if, and only if, the rezoning request

submitted herewith is granted with only those conditions agreed to by the owners and applicant. In the event this request is denied or approved with conditions not agreed to by the owners and applicant, the proffers shall immediately be null and void and of no further force or effect.

These Proffered Conditions include five (5) exhibits:

Exhibit A-1 – Conceptual Plan prepared by Stewart/HG, dated January 6, 2016 titled “The Villas at Ashlake, Chesterfield County, Virginia”

Exhibit A-2 – Stub Road Plan prepared by Balzer and Associates, dated August 27, 2015, last revised February 12, 2016, entitled “Atlantic Development – Ashlake, Schematic Plan, Matoaca District, Chesterfield County, Virginia”

Exhibit B-1 Elevation dated January 19, 2016

Exhibit B-2 Elevation dated January 19, 2016

Exhibit B-3 Elevation dated January 19, 2016

1. Master Plan. The Textual Statement last revised February 16, 2016, shall be considered the Master Plan. (P)
2. Elevations/Exterior Facades. Development of the Property shall be in general conformance with the architectural appearance shown on the elevations attached hereto as Exhibits B-1 and B-2. “Any substantial modifications shall be approved by the Planning Commission in conjunction with plans review.”
 - a. Roof materials shall be 30 year architectural/dimensional asphalt composition shingle.
 - b. Facades of each building, in the aggregate, shall have a minimum of sixty (60) percent brick or stone masonry, but in no event shall a facade have less than ten (10) percent brick or stone masonry. The height of the brick and stone shall be permitted to vary to allow for a mixture of design features. Measurement of the requirement for masonry facade treatment shall be exclusive of facades within courtyards screened with a minimum six (6) foot vinyl fence, as well as windows, gable vents, dormers, doors, trim, soffit, fascia, balconies and porches.
 - c. Other acceptable siding materials shall include engineered wood (e.g. LP Smartside) and horizontal lap siding. Horizontal lap siding shall be manufactured from natural wood or cement fiber board. Plywood, vinyl and metal siding are not permitted. Painted wood trim is not permitted. Additional siding requirements:
 - i. A variety of facing materials shall be used on any one facade of any building. A minimum of two (2) facing materials shall be used on any one facade of any unit.

- ii. Buildings with the same color palette, percentages of siding materials, and landscaping shall not be permitted side-by-side to create diversity and interest along the streetscapes. (P and BI)
- 3. Age Restriction. In accordance with the Virginia Fair Housing Law, the federal Housing Law, and such other applicable federal, state, or local legal requirements, dwelling units shall be restricted to “housing for older persons” as defined in the Virginia Fair Housing Law and no persons under the age of 19 shall reside therein. (P)
- 4. Access.
 - a. Direct vehicular access from the Property to Ashlake Parkway and Ashlake Parkway Extended shall be limited to one (1) public road and one emergency vehicular access. The exact location of these access points shall be approved by the Transportation Department.
 - b. No direct vehicular access shall be provided from the Property to Ashbrook Parkway or Bethia Road, except for a temporary construction entrance. (T)
- 5. Public Roads. All roads that accommodate general traffic circulation through the development (the “Public Roads”), as determined by the Transportation Department, shall be designed and constructed to VDOT road standards and taken into the State System. (T)
- 6. Sidewalks. Sidewalks shall be provided on both sides of the interior street rights of way. The treatment and location of these sidewalks shall be approved by the Planning Department at the time of site plan review. (P)
(P)
- 7. Street Trees. Street trees shall be planted along both sides of the interior roads and the entrance road from Ashlake Parkway into the development in accordance with Zoning Ordinance requirements. (P)
- 8. Supplemental Landscaping. Supplemental landscaping shall be provided around the perimeter of all buildings, between buildings and driveways, within medians, and within common areas. Such landscaping shall be designed to minimize the predominance of building mass and paved areas; define private spaces; and enhance the residential character of the development. The Planning Department, at the time of site plan review, shall approve the landscaping plan with respect to the exact numbers, spacing, arrangement and species of plantings. (P)
- 9. Lighting. Street lights shall be decorative and residential in character with a non-glare design. Light poles shall have a maximum height of fifteen (15) feet and shall be located generally along the interior roads as approved by the Planning Department during plans review. (P)
- 10. Recreation Areas/Focal Point. A minimum of two (2) acres shall be provided in the clubhouse area, the entrance area, pocket parks and other natural areas. The clubhouse shall serve as a focal point. Part of these areas shall be “hardscaped” (concrete, asphalt or pavers) and have a combination of other amenities such as benches, a pergola, a gazebo and pavers that accommodate and facilitate gatherings. The exact design and location shall be approved by

the Planning Department at the time of site plan review. The clubhouse shall have a minimum of 2,500 square feet of gross floor area and shall include a pool. The clubhouse shall be constructed during the first phase of development and shall be completed before the issuance of the twentieth certificate of occupancy in the development. The undeveloped southeastern portion of the Property which abuts the southern property lines of Lots 46 through 56 of Cloverhill Estates subdivision shall be utilized for passive recreation and/or pedestrian trails only. (P)

11. Notification. The developer shall be responsible for notifying by first class mail the last known representative on file with the Chesterfield County Planning Department of Cloverhill Estates Subdivision of the submission of any site plan for the development. Such notification shall occur as soon as practical, but in no event less than twenty-one (21) days prior to the approval of such plans. The developer shall provide the Planning Department with evidence that such notice was sent. (P)
12. Garage Doors. Visual impacts of garage doors shall be minimized through the use of architectural fenestration and/or orientation. (P)
13. Driveways/Front Walks. All private driveways shall be hardscaped (concrete, asphalt or pavers). Paved front walks from buildings shall be provided a minimum of three (3) feet in width. (P)
14. Foundation Treatment. All exposed portions of the foundation, with the exception of exposed piers supporting front porches of each new dwelling unit shall be faced with brick or stone veneer or two inch (2") R-10 perimeter Styrofoam minimum twenty four inch (24") insulation with a protective grey epoxy-like coating where visible to a point six inches (6") below grade. (P and BI)
15. Virginia Condominium Act. All dwelling units on the Property shall be condominiums as defined and regulated by the Virginia Condominium Act, and all common areas and improvements therein shall be maintained by a condominium association. (P)
16. Impact on Capital Facilities. For each dwelling unit, the applicant, sub-divider, or assignee(s) shall pay the following to the County of Chesterfield, prior to the issuance of a building permit for infrastructure improvements within the service district for the Property, unless state law prevents enforcement of that timing:
 - a. \$11,152, the maximum cash proffer acceptable per current policy less the amount of the calculation dedicated to schools, per dwelling unit, for the period beginning the July 1 preceding the Board of Supervisors' approval of the case through July 1 four years later, at which point the amount will be adjusted for the cumulative change in the Marshall and Swift Building Cost Index during that time period.
 - b. Thereafter, the per dwelling unit cash proffer amount shall be automatically adjusted, annually, by the annual change in the Marshall and Swift Building Cost Index on July 1 of each year.

- c. Cash proffer payments shall be spent for the purposes proffered or as otherwise permitted by law.
 - d. Should Chesterfield County impose impact fees at any time during the life of the development that are applicable to the Property, the amount paid in cash proffers shall be in lieu of or credited toward, but not be in addition to, any impact fees, in a manner determined by the County. (B)
17. Right of Way Dedication. Prior to any site plan approval, a ninety (90) foot wide right-of-way for a north/south major arterial ("Ashlake Parkway Extended") from the northern boundary line to the southern boundary line of the parcel identified as GPIN 720-668-8155 shall be dedicated, free and unrestricted, to and for the benefit of Chesterfield County. The exact location and alignment of this right-of-way shall be approved by the Transportation Department. (T)
18. Road Improvements. The following road improvements shall be provided as required:
- a. Construction of two (2) lanes of Ashlake Parkway Extended to VDOT urban minor arterial standards (50 MPH), with modifications approved by the Transportation Department, from the current terminus of Ashlake Parkway to the southern Property line.
 - b. Construction of left and right turn lanes along Ashlake Parkway/Ashlake Parkway Extended at the approved access.
 - c. Construction of a sidewalk along the east side of Ashlake Parkway/Ashlake Parkway Extended for the entire Property frontage.
 - d. Dedication to Chesterfield County, free and unrestricted, of any additional right-of-way (or easements) required for the improvements identified in this Proffered Condition. (T)
19. Phasing Plan for Road Improvements. The road improvements listed in Proffered Condition 18 shall be completed, as determined by the Transportation Department, as follows:
- a. Prior to issuance of any occupancy permits, a left turn lane along Ashlake Parkway/Ashlake Parkway Extended as identified in Proffered Condition 18.b, and a sidewalk along Ashlake Parkway/Ashlake Parkway Extended from Ashbrook Parkway to the approved access as included in Proffered Condition 18.c.
 - b. Prior to issuance of building permits for more than a cumulative total of 50 units, two (2) lanes of Ashlake Parkway Extended as identified in Proffered Condition 18.a; a right turn lane along Ashlake Parkway/Ashlake Parkway Extended as identified in Proffered Condition 18.b; and a sidewalk along Ashlake Parkway/Ashlake Parkway Extended from the approved access to the southern Property line as included in Proffered Condition 18.c. (T)
20. Density. There shall be no more than eighty-two (82) residential units developed on the Property. (P)

21. Fencing. A decorative “wrought iron-style” fence shall be provided along the Ashlake Parkway and Ashbrook Parkway frontages of the Property. A six (6) foot high board or solid vinyl privacy fence shall be provided and maintained along the Property lines adjacent to Clover Hill Estates subdivision from Ashbrook Parkway to the southwest corner of Tax ID 721-668-1879. (P)
22. Best Management Practice. Any above-ground wet stormwater management facilities shall have a fountain-type aerator and shall be designed and landscaped as a water feature for the development. (EE and P)
23. Environmental.
- a. Offsite improvements of the existing storm sewer system, as approved by the Department of Environmental Engineering, in the Ashbrook Subdivision will be required if this system is used as an outfall for the development. All improvements shall be shown on the site plan for review and approval.
 - b. The post-development 100-year peak discharge into the wetlands and floodplain along the rear of the lots in Clover Hill Estates shall not exceed the pre-development 100-year peak discharge.
 - c. The existing lake in the Ashbrook subdivision cannot be used to provide pollutant removal credits for the development.
 - d. The developer shall be responsible for the acceptance of Ashlake Parkway into the state system from the existing intersection with Broadreach Drive to the proposed entrance, prior to issuance of the Certificate of Occupancy (CO) for the fiftieth (50) unit or as otherwise determined by the Department of Environment Engineering. (EE)
24. Minimum Dwelling Size. Dwellings shall have a minimum of 1,500 square feet of finished floor area. (P and BI).

AYES: Commissioners Wallin, Sloan, Freye, and Jones.
NAY: Mr. Jackson.

- B. **15SN0647***: (AMENDED) In Bermuda Magisterial District, **Virginia Electric and Power Company d/b/a Dominion Virginia Power** requests amendment of conditional use (Case 10SN0114) relative to uses, construction, operation, stockpiling, buffering and public facilities impacts of a management facility for fossil fuel combustion products in a Heavy Industrial (I-3) District on 842.1 acres fronting the north, south and east lines of Coxendale and Old Stage Roads. Density will be controlled by zoning conditions or Ordinance standards. The Comprehensive Plan suggests the property is appropriate for Industrial use. Tax IDs 802-665-4390; 805-662-7764; 805-666-2525; 806-662-8465; 806-664-8063; 807-660-1776; and 811-660-3332.

Mrs. Freye announced a conflict of interest and left the dais at 7:08 p.m.

Ms. Darla Orr presented an overview and staff's recommendation for approval of the case. While amendments offer the applicant flexibility to use Coxendale Road and on-site soil for FFCP ponds closure, conditions ensure: the maintenance and repair of Coxendale Road, approval of a traffic management plan and regular meetings between stakeholders to mitigate impacts of hauling operations on county parks use. As conditioned, the proposal prohibits acceptance of off-site FFCPs, provides construction of parking facilities at Henricus or equivalent funding to assist in

mitigating impacts on Park facilities and strengthens reporting requirements. They are asking for an exception to buffer requirements adjacent to land they own. The amendments would permit modification to stock piling requirements so they can use on-site soil for pond closures. Other conditions modify the definition of FFCPs to clarify that no FFCPs other than Chesterfield Power Station generated FFCPs are permitted; explain how future FFCP handling will utilize silos in lieu of ponds; establish timing for dust management plan submittal prior to operation; require super silt fence to assist with erosion control; and ensure stakeholder communication by requiring meetings between Dominion, the County and the Henricus board to discuss impacts of hauling on Park use. Staff recommends approval as the amendments offer flexibility to the applicant; prohibit acceptance of off-site FFCPs from any source; assist in mitigating impacts on capital facilities by maintenance and repair of Coxendale Rd., approval of a traffic management plan and providing parking for Henricus Park, an easement for the fire suppression system or an equivalent cash payment.

In response to a question from Mr. Sloan relative to the 2010 zoning case, Ms. Orr responded the quantity of off-site FFCPs allowed to be brought in was 122,500 tons annually per the life expectancy of the landfill.

In response to a question from Mr. Jackson relative to cost per ton, Ms. Orr stated with the initial case the applicant was required to pay \$1.00 per ton for off-site FFCPs accepted.

Mr. Joshua Beck, with Dominion Virginia Power stated Dominion is always looking for more energy efficient fuels and their goal is to provide reliable service to customers and to reduce pollution.

Mr. Brennen Keene, the applicant's representative accepted staff's recommendation. Ash from the power station currently runs through pipes to the lower pond and is dried and stored in the upper pond enclosure. The life expectancy of the pond was coming to an end so Dominion moved toward dry storage and the plan was to continue to sluice ash into the lower pond and haul it on the haul road with very large trucks not permitted on public roads. Since 2010, EPA regulations have changed and Dominion has decided to move forward now to bring the new landfill on line and close both the upper and lower ponds. Dominion's plan is to use the soil from the landfill site for the pond closure.

In 2010 the case was approved with a phasing plan that limited clearing except as necessary for each phase of the landfill. There is enough soil on the landfill site property for the pond closure with the ability to still leave mature vegetation along the northern portion of the property. The haul road was to be built so the fly ash would not have to be hauled on public roads. The ash handling will be north of Coxendale Road, except for a small amount of residual ash from cleaning. He explained the area where overflow parking is located for Henricus Park and Dominion's plans to cap the area so the Park can continue to use the parking area.

Dr. Wallin opened the floor for public comment.

Mr. Glen Besa with the Sierra Club stated his opposition to the fly ash hauling. He feels the public has not had enough time to review the case and he wants a delay of a month before the case is heard. Dominion is no longer required to move the fly ash to a landfill. He feels the fly ash from the ponds should be moved into a lined landfill where pollutants cannot leak out.

Ms. Peggy Sanner, Virginia Assistant Director and Senior Attorney for the Chesapeake Bay Foundation, does not support the case. They have reviewed part of the documents in the file but not the addendum issued today. She feels it is important to ensure the expanded stock piling does not hurt Proctor's Creek.

Mr. Bob Olsen stated fly ash is hazardous. Dominion needs to remove all of the fly ash that they dumped illegally into the ponds from other locations. He asked the county attorney to file a notice of violation for every ton and stated Dominion should be fined \$23,300,000 because every ton is a separate violation.

Mr. Peter Martin said his concern is that unlined fly ash ponds are ticking time bombs. The health issues are well documented. He added that fly ash and uranium act the same way as they have the same properties which will cause medical problems. Capping the ponds in place will eventually poison aquifers and will leak into the James River.

Ms. Judy Stoneman with the CCRG has been involved with the county for twenty (20) years. She stated this case has and will cause health problems from water pollution and polluting the ground water. She does not support the case.

Mr. Charlie Grant with Henricus Historical Park is comfortable with what Dominion has proposed logistically as far as traffic patterns.

Mr. Phil Lohr stated he does not think this case is acceptable because of health reasons and the fly ash needs to be put in a lined landfill and not covered up with dirt in place.

Mr. Preston Kinny wants truck sizes limited, questions how erosion will be stopped; emphasized the huge environmental impacts and does not support this case.

Mr. Wayne Vivag is concerned about the health issues surrounding this case, wants to postpone it and does not think it's a good idea to cap the existing fly ash ponds. The issues that occurred in Flint can happen here too.

No one else came forward to speak in favor of, or in opposition to, the request.

There being no one else to speak, Dr. Wallin closed the public hearing.

In rebuttal, Mr. Brennen Keene stated there is daily cover (soil) which is part of the management of the existing fly ash storage. The stockpiles discussed are actually stockpiles of soil. Rather than trucking soil in, there is excess soil on-site to be used in the process of pond closures. From 2010, the expectation was the landfill would go into operation between 2019 and 2022, depending on when the upper pond was closed. Changes in EPA regulations accelerated the plan as the EPA requires closure of these ponds earlier than expected. There is a DEQ draft permit pending now. The FFCP landfill will be a lined landfill, which is what DEQ regulations require.

Mr. Sloan stated this has not been an easy case. The issues that surround this case impact all Chesterfield citizens. Mr. Sloan stated the reason the addendum was late was because he asked Dominion in the middle of last week to remove the ability to bring in any FFCPs from off-site sources to the site. He believes the FFCPs need to be handled in the safest way and stored in a

lined facility on Dominion's property. His issue is with research about the transportation of FFPCs. The more human involvement with FFPCs, the higher the risk of accidents and things going wrong that cause really bad situations. We need to try and mitigate impacts where we can. Today with no further action from the Planning Commission or DEQ, Dominion is in a position to bring in 122,000 tons of off-site FFPCs to the Chesterfield Power Station site to put in the landfill, which is two (2) million tons of FFPCs over the life of the landfill. This equates to 12,000 trucks up and down the roads increasing the risk for accidents and spillage of fly ash. The Commission is in an advisory position and the Board ultimately makes the final decision. He requests approval from the Commission.

In response to a question from Mr. Jones, Mr. Chris Gee, with Dominion, stated the capacity of the new landfill is 9.6 million cubic yards. Annually the plant produces 360,000 tons of coal ash and since 2010; a portion of the coal plant has been converted to natural gas.

Mr. Jackson asked what a delay of thirty (30) days would do to the applicant. Mr. Keene stated he feels the case is ready to go forward and a thirty (30) day delay does not earn anything as the conditions are what they are.

In response to a question from Mr. Jackson relative to the word landfill, Mr. Keene stated that federal regulations require a lined landfill and he would be amenable to adding the word "lined" to the language. Mr. Jackson asked to amend the language to include the word "lined" landfill.

Mr. Sloan stated he is hesitant to insert new language. He prefers to use DEQ language for the landfill. Mr. Keene stated Dominion already has approval for the landfill from the Board.

Dr. Wallin asked Mr. Keene to bring the Commission up to date on where they are with the construction of this project.

Mr. Keene stated the bridge over Proctor's Creek is already under construction and is about 1500 feet long. Clearing has occurred and mid July 2016 is the projected date of completion. Prep work on that side of the property is Phase I. Pre-closure activities have been started. There is a plant called phragmites and they grow all over the pond area. They have begun the removal of phragmites and grading that area. This is an aggressive schedule to get to completion by 2017.

In response to a question from Mr. Jackson relative to the adjacent property owners and the removal of trees, Ms. Orr stated Dominion is now the owner of the properties in question.

Mr. Keene stated Dominion bought the land from the Reynolds family. Even though they are clearing trees in phasing, there is a conservation easement so part of the trees cannot be removed anyway. Dominion acquired part of the adjacent property to the north in 2010 and the Reynolds family is under contract with property to Tranlin for the purchase of the remainder of their property.

Mr. Jones stated State and federal regulations have become more stringent every year and he supports the case.

On motion of Mr. Sloan, seconded by Mr. Jones, the Commission resolved to recommend approval of Case 15SN0647 and acceptance of the following proffered conditions:

PROFFERED CONDITIONS

STATEMENT OF PROFFERS
Virginia Electric and Power Company
Chesterfield Power Station
15SN0647

March 30, 2015
Revised August 25, 2015
Revised November 17, 2015
Revised November 19, 2015
Revised November 20, 2015
Revised December 2, 2015
Revised December 7, 2015 (Revisions only)
Revised February 10, 2016 (Revisions only)
Revised February 12, 2016 (Revisions only)

Virginia Electric and Power Company (the "Owner") in this zoning case, pursuant to §15.2-2298 of the Code of Virginia (1950 as amended) and the Zoning Ordinance of Chesterfield County, for itself and its successors or assigns, proffers that the development of the property known as Chesterfield County Tax Identification Numbers 802-665-4390, 805-662-7764, 805-666-2525, 806-662-8465, 806-664-8063, 807-660-1776, and 811-660-3332 (the "Property") under consideration will be developed according to the following conditions if, and only if, the zoning amendment to Case 10SN0114 is granted. In the event the request is denied or approved with conditions not agreed to by the Owner, the proffers shall immediately be null and void and of no further force or effect.

With the approval of this request, Proffers 1, 2, 3, 4, 5, 7, 8, 11, 13 and Exhibits A, B, and C of Case 10SN0114 shall be amended as outlined below. All other conditions of Case 10SN0114 shall remain in force and effect.

The Owner hereby amends Exhibits A, B, and C of Case 10SN0114 as follows:

Exhibit A – The plan titled "Dominion, Chesterfield Power Station, FFCP Management Facility, Adjacent Parcel Map," prepared by Golder Associates, dated February 2016.

Exhibit B – The plan titled "Facility Phasing Plan, Dominion Chesterfield Power Station," prepared by Golder Associates, Revision 4 dated 11/16/2015.

Exhibit C – The plan titled "Buffer Plan, Dominion Chesterfield Power Station," Revision 4, prepared by Golder Associates, dated 11/16/2015.

The Owner hereby amends Proffer 1 of Case 10SN0114 as follows:

1. Uses. Uses permitted on the Property shall be:
 - A. Any use permitted in the Heavy Industrial (I-3) District.
 - B. Electric power generation plant.

- C. Management facility for fossil fuel combustion products ("FFCPs"), as that term is defined by the Virginia Department of Environmental Quality ("DEQ") **generated by the Chesterfield Power Station**. For purposes of this condition, the term "FFCPs" shall include fly ash; bottom ash; gypsum; rock, pyrites and tramp iron; waste coal and coal fines; waste lime and limestone; cenospheres; bead blast residue; stabilized solids from the plant waste water treatment systems; stabilized solids from waste treatment facilities; filter press solids; waste solid refractory; non-putrescible C&D debris from the station/landfill operations; bag house bags (used and containing CCR's); WWT filter press cloths; vacuum filter cloth; multi-media fill from sand filters and multimedia filters (gravel, sand, anthracite); and desiccant from air dryers.
- D. Ponds or other storage facilities for FFCPs, generated on the Property by the Chesterfield Power Station.
- E. Haul road or other manners of transport of FFCPs.
- F. Reclamation of FFCPs.
- G. Any accessory uses associated with any of the uses listed above. (P)

The Owner hereby amends Proffer 2 of Case 10SN0114 as follows:

2. **Construction and Phasing of FFCP Facility.**

- A. The FFCP management facility (the "Management Facility"), generally shown on Exhibit A as "proposed FFCP limits of disturbance" shall be developed as an industrial waste disposal facility, subject to DEQ regulations. Notwithstanding the general nature of the "proposed FFCP limits of disturbance" shown on Exhibit A, the actual area of disturbance for the Management Facility (exclusive of the "Haul Road" as described in Proffer 4) shall not exceed ninety-two (92) acres.
- B. Subject to the terms of subsection 2.D. below, the Management Facility shall be constructed in four phases. The first phase of development (Phase 1) shall begin at the eastern section of the Management Facility and proceed in a westerly direction generally as shown on Exhibit B. The lined areas for each phase (the "Phase" or "Phases"), exclusive of required stormwater and sediment basins, access roads, and perimeter roads, shall be limited to an acreage range as follows:
 - i. Phase 1: between 12.0 acres and 15.0 acres.
 - ii. Phase 2: between 14.0 acres and 17.0 acres.
 - iii. Phase 3: between 15.0 acres and 18.0 acres.
 - iv. Phase 4: between 20.0 acres and 23.0 acres.

The Owner shall submit a phasing plan that shows the exact size and dimensions of each Phase and any additional Excavation Areas (defined and developed pursuant to subsection 2.D. below) (the "Phasing Plan"), which plan shall be submitted for approval with the site plan for the first phase of development for the Management Facility and shall also be submitted to the County Directors of Environmental Engineering and Planning (or their designees), to confirm compliance with the dimensional requirements of this Proffer 2. The Phasing Plan shall include an estimated time schedule for development of each phase and, if applicable, an Excavation Area. If the Owner decides to change the size and/or dimensions of any phase after approval of the original Phasing Plan, the Owner shall be required to resubmit for approval an amended Phasing Plan to the County Directors of Environmental Engineering and Planning (or their designees) to confirm compliance with the dimensional requirements of this Proffer 2.

- C. The maximum height of each Phase (as measured from mean sea level, or "AMSL"), shall be as follows:
 - i. Phase 1: 140 feet AMSL.
 - ii. Phase 2: 195 feet AMSL.
 - iii. Phase 3: 225 feet AMSL.
 - iv. Phase 4: 275 feet AMSL.
- D. In order to facilitate use of soil for the closure of the existing ponds (the "Pond Closure") where FFCPs are currently stored and for operations of the Management Facility, the Owner shall have the right to excavate soil and related materials from portions of the Property designated for Phase 2, Phase 3 and/or Phase 4, provided that the each area designated for excavation shall be shown on the site plan as "Excavation Area" or "Borrow Area" (collectively "Excavation Areas"). Soil or other materials from an Excavation Area may be temporarily stored in Stockpiles as set forth in 2.E. below or on another portion of the Property that is south and east of Proctors Creek.
- E. Stockpiling of soil or other materials (the "Stockpiles") shall be permitted as part of the construction of the Phases and/or activities related to the Excavation Areas. The Stockpiles shall be subject to the following limitations during the development of Phases 1, 2 and 3, only:
 - i. The toe of the Stockpiles shall be located a minimum of three hundred (300) feet south of the "James River Industrial Park" (defined as Tax IDs 803 669-0332, 800-668-1000, and 800-668-7710) during development of Phases 1, 2 and 3.
 - ii. The height of the Stockpiles shall not exceed fifty (50) feet above existing grade where adjacent to the James River Industrial Park. (P and EE)

The Owner hereby amends ~~deletes~~ Proffer 3 of Case 10SN0114 as follows:

3. ~~Off-Site FFCPs. FFCPs managed on the Property shall be limited to FFCPs generated by (i) the Chesterfield Power Station (the "Station") and (ii) Mecklenburg Power Station (a power station owned by the Owner) but from no other sources. The management of FFCPs from Mecklenburg Power Station shall be limited as follows: [HEREBY DELETED].~~
- A. ~~Subject to the time limitation in section 3.D. below, the total amount of FFCPs received into the Management Facility that are generated by Mecklenburg Power Station shall not exceed 55,000 tons per any consecutive twelve month period. In the event of an emergency, additional FFCPs may be brought to the Management Facility from the Mecklenburg Power Station to the extent such is necessary to address the emergency situation. Prior to accepting such FFCPs in an emergency, the Owner shall obtain approval to exceed 55,000 ton limit from the County Director of Planning (or his or her designee) to confirm the fact that an emergency situation exists.~~
- B. ~~The Owner shall maintain records of the weight (in tons) of all FFCPs received into the Management Facility from Mecklenburg Power Station, and the Owner shall make such records available for inspection by the County Director of General Services (or his or her designee) to insure compliance with this condition. By the 10th day of each month, the Owner shall send a written or an electronic email report to the County Director of General Services (or his or her designee) reporting the tonnage of any off-site FFCPs brought to the facility during the previous month. The report shall also provide a cumulative total of such tonnage based on the calendar year.~~
- C. ~~FFCPs from Mecklenburg Power Station shall be deposited into the Management Facility only and shall not be deposited into the FFCP ponds. Notwithstanding the foregoing, the Owner may not deposit any FFCPs from Mecklenburg Power Station into the Management Facility until each of the following has been met:~~
- i. ~~The depositing of FFCPs from Mecklenburg Power Station shall have been first reviewed and confirmed by the County Director of General Services (or his or her designee) to ensure that the amount of FFCPs to be received from Mecklenburg Power Station will not exceed the 55,000 ton limit described in 3.A. above.~~
- ii. ~~The Owner shall have provided to the County written evidence that the importation has been approved by DEQ pursuant to the terms of the solid waste permit for the Management Facility. In seeking confirmation from the County Director of General Services (or his or her designee) as described in the immediately preceding sentence, the Owner shall provide the County Director of General Services (or his or her designee) estimates of the amounts of FFCPs that are planned to be transported from Mecklenburg Power Station.~~

~~D. Depositing FFCPs from Mecklenburg Power Station shall be limited to a seventy two (72) month period ("Maximum Time"). The Maximum Time shall begin on the first date of the placement of the Mecklenburg Power Station FFCPs into the Management Facility or sixty (60) days after DEQ's issuance of the certificate to operate the Management Facility ("Certificate to Operate"), whichever first occurs, and shall end no later than the end of the seventy-second (72nd) month. (P and GS)~~

The Owner hereby amends Proffer 4 of Case 10SN0114 as follows:

4. FFCP Handling. Prior to the disposal of FFCPs in the Management Facility, the Owner shall install the "Fly Ash Handling System" and the "Bottom Ash Handling System" north of Coxendale Road, and the "Low Volume Wastewater Treatment Area" ("Treatment Area") south of Coxendale Road, all in the general locations shown on Exhibit A. FFCPs to be disposed in the Management Facility from the Fly Ash Handling System and the Bottom Ash Handling System shall be hauled to the Management Facility on the private road shown in the general location on Exhibit A as the "proposed haul road" ("Haul Road"), and the stabilized solids to be ~~disposed~~ **deposited** in the Management Facility from the Treatment Area shall be transported from the Treatment Area using that portion of Coxendale Road from the entrance to the Treatment Area to the entrance to the Haul Road on Coxendale Road. The Haul Road shall be paved with asphalt, concrete, or other hard-surface material, but no curb and gutter shall be required. (P and GS)

The Owner hereby amends Proffer 5 of Case 10SN0114 as follows:

5. Public Facility Mitigation.

- A. To assist in mitigating impacts on Coxendale Road during the period of hauling materials (the "Hauling Operations") for construction of the Management Facility and the Pond Closure, the Owner shall:
- i. A. Maintain that portion of Coxendale Road located between the Haul Road's intersection with Old Stage Road/Coxendale Road to the Pond Closure access from Coxendale Road. Prior to any Hauling Operations that use Coxendale Road, a construction management plan for the maintenance and repair of Coxendale Road and a traffic management plan, designed to mitigate impacts of ~~hauling operations~~ on park use **from Hauling Operations**, shall be approved by the Virginia Department of Transportation (VDOT) and the County that may include, but shall not be limited to:
- (a) i. Traffic control methods, to include lane closures, flagging procedures, directional and informational signage, signalization, timing of ~~hauling operations~~, **Hauling Operations**, and designated access points for deliveries and employee access.
- (b) ii. Road monitoring and policing on Coxendale Road, to include cleaning of debris (such as mud) and repairing (such as structural failures and pot-holes) that occur due to Hauling Operations.

- ii B. Within three (3) months of the completion of the Pond Closure Hauling Operations, the Owner shall notify VDOT ~~of such~~ and Chesterfield County Department of Transportation (CDOT), in writing, of the completion of the Hauling Operations and shall make any needed repairs to that portion of Coxendale Road referenced in 5.A. above, within twelve (12) months after such repairs are determined necessary by VDOT. The repairs may include a 1.5-2.0 inch asphalt overlay if necessary to return Coxendale Road to its pre-Haul Operations condition.
- iii C. The Owner shall be responsible for executing the approved construction management plan as required by VDOT.

B. Other Capital Facilities.

- i. D. In addition to mitigating impacts on Coxendale Road, ~~the Owner shall provide the following additional mitigation measures for capital facilities. within twelve months after approval of a site plan for Phase 1 of the Management Facility, the Owner shall submit to the County for its review and acceptance a proposal for the construction of improvements and dedication of the easements as described below (the "Proposal").~~
- ~~i.~~ Subject to the provision of the credits outlined below, provide a payment ("Public Facility Proffer") ~~to the Chesterfield County ("County") in the amount of ONE MILLION and THREE HUNDRED THOUSAND and no/100 dollars (\$1,300,000.00).~~
- ~~ii.~~ The Owner may receive credits to the Public Facility Proffer for the following contributions if proposed by the Owner and approved by the County:
 - ~~(a)~~ Provision of the following on the westernmost portion of Chesterfield County Tax Identification Number 811-660-3332 ("Parcel 3332"):
 - (a) (i) Construction of a parking lot located adjacent to Henricus Historical Park ("Henricus") on an area of approximately 2.2 acres, which construction shall be subject to DEQ and Virginia Department of Conservation and Recreation ("DCR") review and approval.
 - (b) (ii) An Dedication of an easement to the County over the parking lot described in the paragraph above, including access aisles to such parking lot, which easement shall be subject to use and maintenance provisions required by DEQ, DCR, and any other regulations, conditions and environmental practices necessary to protect the cap and the liner system for the pond closure.
 - (c) (iii) An Dedication of an easement to the County over that part of Parcel 3332 adjacent to the parking lot referenced above and where the

County fire suppression pump house for Henricus is located (not to exceed 1.2 acres).

The total easement area on Parcel 3332 shall not exceed 3.4 acres.

~~(b) Other park related infrastructure for Henricus, Dutch Gap Conservation Area, and/or Dutch Gap Boat Landing as proposed by the Owner and approved by the County.~~

ii. ~~iii. The valuation of the credits set forth above shall be determined as follows:~~
facilities **Proposal shall include the following detailed information:**

(a) ~~Prior to the construction of the parking lot (and following DEQ and DCR approval), the Owner shall submit a proposed Scope of Work and cost estimate to the County for review and written approval. Following the commencement of construction, the Owner shall submit any revised changes to the Scope of Work and any changes to the cost estimates to the County for review and written approval. Upon completion of the parking lot, the Owner shall provide documentation of the actual cost of construction (together with documentation of any approvals by applicable state or federal agencies) and, upon acceptance by the County, shall be credited in full for such costs. The Owner shall not be provided any credit for costs for which prior County approval was not obtained.~~ **A scope of work and a firm bid price (the "Construction Cost") from a contractor for construction of the parking lot based on the scope of work.**

(b) ~~The value of the easement(s) to be granted shall be provided by the Owner to the County with the original Scope of Work with such valuation(s) to be approved by the County prior to the commencement of construction of the parking lot.~~ **as determined by an MAI appraisal (the "Easement Value").**

(c) ~~The value of the property, if any, to be dedicated together with the proposed Deed of Dedication shall be provided by the Owner with the original Scope of Work to be approved by the County prior to the commencement of construction of the parking lot.~~ **provisions of each of the easements regarding use and maintenance provisions required by DEQ, DCR, and any other regulations, conditions and environmental practices necessary to protect the cap and the liner system for the pond closure.**

(d) **A schedule for completion of the parking lot construction.**

iii. ~~iv. All items credited to the Public Facility Proffer shall be completed prior to the~~ **If the County accepts the Proposal in total, the Owner shall be responsible for**

construction of the improvements and dedication of the easements on the later of (a) issuance by DEQ of the Certificate to Operate the Management Facility (the "Certificate")– or (b) a date approved by the County as outlined in the Proposal. (Within 90 days after the issuance of the Certificate, the Owner shall provide a copy of the Certificate to the County Director of Planning and shall pay the balance of the Public Facility Proffer (reduced by any credits).)

- iv. If the County does not accept the terms of the easements as identified in the Proposal pursuant to 5(B)(ii)(c) above, the Owner shall pay to the County an amount equal to total of the Construction Cost plus the Easement Value, which amount shall be paid prior to issuance of the Certificate. (P, CDOT, VDOT, P&R and BM)

The Owner hereby amends Proffer 7 of Case 10SN0114 as follows:

6. Fugitive Dust Management.

- A. Prior to the issuance of the ~~Certificate to Operate the Management Facility~~, the Owner shall provide to the County Directors of Planning and General Services (or their designees) copies of applicable sections of all permits from state and/or federal authorities that include requirements for the management of fugitive dust related to operation of the Management Facility. If those permits do not include such requirements for fugitive dust management, the Owner shall submit to the County Directors of Planning and General Services (or their designees) a plan for the control of fugitive dust related to operation of the Management Facility (the "Dust Control Plan"). At a minimum (unless as otherwise provided below), the permit(s) or the Dust Control Plan shall include the following methods of fugitive dust management:
- i. Periodic watering of unpaved roadways, as needed, that serve the Management Facility.
 - ii. Periodic watering and/or sweeping, as needed, of paved roadways.
 - iii. Maintain appropriate speed limits on paved and unpaved roadways.
 - iv. Maintain adequate moisture content needed for compaction of the FFCPs stored in the Management Facility.
 - v. Periodic watering of the areas where FFCPs are prepared for transport to the Management Facility and periodic watering of the areas where FFCPs are placed in the Management Facility, as needed.
 - vi. Construction methods including tarps, geotextiles, soil cover, chemical dust control agents and other, similar, methods may be used as an alternative to watering.
 - vii. The process for cleaning any spills of FFCPs on the Haul Road and any adjoining public roads.

- viii. Periodic covering of FFCPs placed in the Management Facility with soil, tarps, geotextiles, chemical dust control agents and other, similar methods.
 - ix. Methods for the management of fugitive dust from soil stored in any soil stockpiles, which methods may include, but are not limited to, soil stabilization through hydro-seeding and other, similar methods.
- B. Regardless of the requirements contained in any state or federal permits related to dust management for the Management Facility, no more than ten (10) acres of the working area where FFCPs are placed in the Management Facility shall be open at any one time. Material placed in the working area will be “tracked in” daily with a bulldozer or similar earth moving equipment. Once the material reaches the appropriate moisture content for compaction, that material will be compacted with a mechanical roller.
- C. If, at any time during the operational life of the Management Facility, any state or federal permits that regulate fugitive dust management for the Management Facility are amended, the Owner shall submit [within thirty (30) days of the approval date of any amended permits] those amended permits to the County Directors of Planning and General Services (or their designees). If, at any time during the operational life of the Management Facility, any state or federal permits that regulate dust management for the Management Facility delete all requirements for fugitive dust management for the Management Facility or makes such requirements less stringent than prior requirements, the Owner shall submit for approval a Dust Control Plan to the County Director of General Services (or his or her designee). (GS and P)

The Owner hereby amends Proffer 8 of Case 10SN0114 as follows:

7. Buffers.

- A. A variable width buffer along the northern boundary of the parcel identified as Tax ID 802-665-4390 where the parcel is adjacent to the James River Industrial Park shall be maintained as provided herein (the “Northern Buffer”). The Northern Buffer and its dimensions shall be as shown on the attached Exhibit C (the “Buffer Plan”). Except for those areas where the Northern Buffer is shown on the Buffer Plan as greater than one hundred fifty (150) feet in width, the minimum width of the Northern Buffer shall be one hundred and fifty (150) feet. The Northern Buffer shall be inclusive of the existing power lines, gravel roads, various easements, and the substation. The existing vegetation within the Northern Buffer that is south of the 100 foot wide transmission corridor in the Northern Buffer (the “Northern Vegetative Buffer”) shall be retained unless removal is required (i) for maintenance of and access to the existing substation within the Northern Buffer, (ii) to provide generally perpendicular crossings of the Northern Vegetative Buffer for access to the existing transmission line right of way within the Northern Buffer, (iii) to provide for generally perpendicular crossings of the Northern Vegetative Buffer to accommodate utilities, (iv) to allow for archaeological investigations on the Property, and (v) as may otherwise be required by subsection B below. The removal of vegetation within the Northern Vegetative Buffer to provide access to the existing transmission line right of way and substation, to accommodate utilities that cross the Northern Vegetative Buffer, and to allow for archaeological investigations on the Property shall be permitted as shown on the

approved site plan, provided that such removal involves the least amount of disturbance of the Northern Vegetative Buffer as reasonably possible and, in the case of archaeological investigations, the area of buffer disturbance is restored with additional plantings, all as approved as part of the site plan.

- B. Except as set forth above, the existing natural vegetation located on the southern fifty (50) feet of the Northern Vegetative Buffer and adjacent to James River Industrial Park shown on Exhibit C as “Existing Trees to Remain” shall be retained. If insufficient plantings exist, as determined by the Planning Department, additional plantings shall be added in accordance to Perimeter Landscaping A, except that shrubs shall not be required but may be provided. The exact locations, quantities, species, and sizes of any supplemental landscaping, shall be determined at the time of site plan review.

[NOTE: The purpose of this condition is to help establish additional plantings that will help protect existing vegetation to “wind throw” when adjacent trees are removed and the preserved trees are exposed to wind.]

- C. A one hundred (100) foot wide buffer along the western boundary of the parcel identified as Tax ID 802-665-4390 (the “Western Buffer”) shall be maintained as shown on the Buffer Plan. The Western Buffer shall be inclusive of the existing power lines, gravel roads, various easements, and the substation. The existing vegetation within the Western Buffer shall be retained unless removal is required (i) for maintenance of and access to the existing substation, (ii) to provide generally perpendicular crossings of the Western Buffer for access to the existing transmission line right of way within the Western Buffer, (iii) to provide for generally perpendicular crossings of the Western Buffer to accommodate utilities, and (iv) to allow for archaeological investigations on the Property. The removal of vegetation within the Western Buffer to provide access to the existing transmission line right of way and substation, to accommodate utilities that cross the Western Buffer, and to allow for archaeological investigations on the Property shall be permitted as shown on the approved site plan, provided that such removal involves the least amount of disturbance of the Western Buffer as reasonably possible and, in the case of archaeological investigations, the area of buffer disturbance is restored with additional plantings, all as approved as part of the site plan. (P)

The Owner hereby amends Proffer 11 of Case 10SN0114 as follows:

8. Environmental Engineering. Super silt fence shall be used at the toe of the slope during construction and fill along Proctor’s Creek and the James River. (EE)

The Owner hereby amends Proffer 13 of Case 10SN0114 as follows:

9. Pond Closure Coordination. The Owner shall meet at least quarterly during the period of the Pond Closure (and more frequently if requested by the County) with representatives from Henricus ~~Historical~~ Park (“Henricus”) and the Chesterfield County Parks and Recreation Department. These meetings shall be for the purpose of reviewing the construction management and traffic management plans, to provide updates regarding the status of construction, and to coordinate road related impacts to the park such as overflow parking, access to recreational areas, temporary road closures, and other measures to

mitigate impacts of ~~hauling operations~~ **Hauling Operations**. Such coordination shall give special attention to large scale events and public schools field trips held at Henricus Park, Dutch Gap Boat Landing, and Dutch Gap Conservation Area. (P&R)

AYES: Commissioners Wallin, Sloan, Jackson and Jones.
RECUSED: Ms. Freye.

Ms. Freye returned to the dais at approximately 8:30 p.m.

L. CODE AMENDMENT.

Public Hearing, Deferral From Public Hearing/Meeting, Final Plat Print Submittal and Definitions of Major and Minor changes. (15PJ0118).

An ordinance to amend the Code of the County of Chesterfield, 1997, as amended, by amending and reenacting Sections 17-9, 17-48, 17-51 and 17-85 relating to fee for deferral from public hearing/meeting, final plat print submittal and definitions of major and minor changes. The amendment would eliminate the requirement for applicant to pay deferral fee when consenting to deferral of public hearing/meeting initiated by the Planning Commission; eliminate submittal of transparent print of final plat; and amend definitions of major and minor changes to preliminary plats to, among other things, include under major change those changes which alter overall design intent, or impact surrounding property, land use or compliance with chapter, and remove from minor change definition the prohibition on increasing lot density.

Mr. Ray Cash presented an overview of the amendments to the Subdivision Ordinance. For subdivision final plats ready for recordation, two prints are required to be submitted by the applicant. Mr. Cash stated that with this amendment a transparency print would no longer be required as one of the two final plat prints. The proposed fee change would provide that deferral fees are due only if the applicant requests the deferral. In regards to the major and minor change definitions, Mr. Cash stated that the change to the definitions provide staff some flexibility in determining what a major change is.

In response to a question from Dr. Wallin, Mr. Cash responded that a "lot increase" equals an increase in the number of lots.

Staff asked we hold a public hearing tonight or defer for thirty (30) days.

Mr. Jackson stated he would like to defer this for thirty (30) days and sit down off line to talk about the particulars of this language change.

Mr. Sloan stated he would like to join Mr. Jackson for clarity.

Mr. Turner suggested staff send Mr. Jackson and Mr. Sloan some examples to help offer a better understanding.

In response to a question from Ms. Freye, Mr. Cash stated that the proposed amendments have been shared with the development community and staff has met with several representatives of the development community to receive input in the crafting of the amendment.

Dr. Wallin opened the floor for public comment.

Mr. Greg Koontz stated he has been involved with Mr. Cash during this process. He stated that in regards to development the zoning defines your lot size and maximum density. The flexibility built into this amendment will give staff more flexibility and he supports the Code Amendment changes.

There being no one else to speak, Dr. Wallin closed the public hearing.

On motion of Mr. Sloan, seconded by Mr. Jackson, the Commission resolved to defer the vote for the Code Amendment to the March 15, 2016 Planning Commission public hearing.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

X. OTHER BUSINESS.

There was no other business discussed.

XI. CITIZEN COMMENT PERIOD ON UNSCHEDULED MATTERS INVOLVING THE SERVICES, POLICIES AND AFFAIRS OF THE COUNTY GOVERNMENT REGARDING PLANNING OR LAND USE ISSUES.

Mr. Bob Olsen stated that money that is generated by new construction is for school supplies. Cash proffers go toward building new schools.

Dr. Wallin stated he does know the difference between capital improvements and operating expenses. When you have resources, you have to be fair about how it's distributed.

XII. ADJOURNMENT.

There being no further business to come before the Commission, it was on motion of Mr. Sloan, seconded by Ms. Freye that the meeting adjourned at 8:57 p.m. to Tuesday, March 15, 2016 at 4:00 p.m., in the Public Meeting Room, 10001 Iron Bridge Road, Chesterfield, Virginia.

AYES: Commissioners Wallin, Sloan, Freye, Jackson and Jones.

Chairman/Date

Secretary/Date